

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JONATHON LARON FRIEND EL-BEY,)
)
)
Plaintiff,)
)
)
v.) 1:18CV77
)
)
OFFICER PATRICK A. DAVENPORT,)
et al.,)
)
)
Defendants.)

ORDER

On February 8, 2018, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 3, 4.) Plaintiff timely filed objections (Doc. 5) to the Recommendation.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a *de novo* determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that Plaintiff's "Affidavit" (Doc. 2) is construed as a civil rights action pursuant to 42 U.S.C. § 1983, and that this action is hereby dismissed without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, correcting the defects set out in the Order and

Recommendation. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 20th day of March, 2018.



United States District Judge